

Application No. 10/064,973
Amendment dated March 10, 2004
Reply to Office Action of December 10, 2003

REMARKS

Claims 1-7 are pending. Claims 8-10 are added herein. Accordingly, claims 1-10 are at issue.

Claim 7 stands rejected under 35 U.S.C. §112 as indefinite with respect to its recitation of "the tilting movement" in lines 1-2 thereof. Claim 7 is amended to recite the regulating member being positioned so that "the upward tilting of the regulating member is limited by the hood." It is submitted that the amendment to claim 7 obviates the indefiniteness rejection thereof.

Claims 1-7 stand rejected under 35 U.S.C. §102(b) as anticipated by Kaname et al.

The rejection, as it may apply to the claims presented herein, is respectfully traversed.

Generally, the present invention is directed an inflatable external airbag system where the airbag is deployed along an outer or exterior surface of a vehicle windshield in a secure manner despite the influence of wind direction and pressure across the top of the vehicle, such as along the hood thereof (see application, paragraphs 0010, 0012, 0031 and 0052). To this end, the invention contemplates deploying the airbag from a rear portion of the vehicle hood or the cowl which is spaced well rearwardly from the front of the vehicle. In other words, the airbag is deployed from the area along the hood, i.e., the rear area, that is adjacent to the windshield. This aspect of the invention is clearly set forth in each of the independent claims 1, 5, 6 and 8. In this manner, the travel of the airbag along the hood prior to reaching the windshield is kept to a minimum.

In contrast to the presently claimed invention, Kaname et al. depict several embodiments of an external airbag system where airbags are deployed from the front portion of the vehicle hood adjacent the front of the vehicle, such as can be seen in FIGS. 1-6. Accordingly, the airbag has to span the entire rear portion of the hood as it emerges from below the front portion thereof prior to reaching the windshield, and thus is more susceptible to being shifted due to wind and air pressure about the hood of the car prior to reaching the windshield, unlike the presently claimed airbag system.

In the Action, the lid 14 is considered a rear portion of the hood apparently because it does not extend all the way to the very front of the vehicle since surface 12a is disposed thereat, as shown in FIGS. 1 and 2. It is submitted that characterizing the lid 14 as comprising a hood rear portion is not a reasonable interpretation thereof, since as can be seen it is much closer to the front of the vehicle hood than it is to the rear. Accordingly, calling the forwardly disposed lid 14 a hood rear portion is simply too awkward an interpretation to stand, especially in light of the nature and purpose of the present invention to securely deploy the airbag onto the windshield. For this purpose, the airbag is rearwardly disposed relative to the hood so that it is much closer to the windshield as it is deployed than the airbags and lids of Kaname et al. Thus, the presently claimed invention is such that the influence of wind and air pressured that may exist about the vehicle hood is substantially minimized to allow the airbag to properly deploy onto the windshield, unlike the forwardly disposed airbag of Kaname et al. which must traverse a large rearward area along the hood prior to reaching the windshield such that wind and air pressure are significant factors in whether this will properly occur.

Turning more specifically to the claims, claim 1 recites an airbag system having an airbag which can be deployed from a rear portion of a hood along an outer surface of a windshield. Kaname et al. show no such airbag as instead its airbag deploys from a front portion of the hood, as discussed above. Accordingly, it is submitted that Kaname et al. do not anticipate the recited airbag system of claim 1. Thus, claim 1 is believed allowable over Kaname et al.

Claims 2-4 depend cognately from claim 1 and thus are allowable for the same reasons as set forth above. In addition, these claims all require that a regulating member that deflects the airbag toward the windshield when the airbag is deployed called for in claim 1 comprise the rear portion of the hood. In Kaname et al., lids 14 and 22a are shown in FIGS. 1-4, that are disposed very closely adjacent the front end of the vehicle hood and thus comprise the corresponding front portion of the hood. Accordingly, it is believed claims 2-4 define further patentable subject matter over Kaname et al.

Claim 5 is directed to an airbag system and calls for an airbag positioned under a rear portion of the hood with the hood rear portion configured to pivot upwardly during airbag inflation to deflect the airbag toward the windshield. Again, referring to the figures of Kaname et al., it can be seen that the airbag or airbags are positioned under a front portion of the hood and that is the lids at the hood front portion that pivot upwardly during airbag inflation, as best seen in FIGS. 2 and 4 of Kaname et al. Accordingly, it is submitted that Kaname et al. does not anticipate the subject matter of claim 5. Thus, claim 5 is believed allowable over Kaname et al.

Claim 6 is also directed to an airbag system and calls for a cowl which comprises a regulating member with the airbag located under the regulating member. The cowl regulating member is configured to tilt upwardly when the airbag is inflated to deflect the inflating airbag toward the windshield. Again, referring to the figures of Kaname et al., it can be seen that in the standard location of the cowl adjacent the windshield there is no regulating member as called for in claim 6. Instead, the lid regulating members 14 and 22a of FIGS. 2 and 4 in Kaname et al. are at the front portion of the hood and clearly are not cowls as called for in claim 6. Accordingly, it is submitted that Kaname et al. does not anticipate the airbag system recited in claim 6. Thus, claim 6, and claim 7 which depends therefrom, are believed allowable over Kaname et al.

Added claim 8 is directed to an inflatable external airbag system for a vehicle that has a hood with a front and rear thereof, and a windshield adjacent the rear of the hood. An airbag is provided for being deployed from a rear portion of the hood that is closer to the rear than to the front of the hood, and toward the generally adjacent vehicle windshield. In this manner, the airbag system minimizes wind and air pressure influences in securely deploying the airbag along the windshield, as set forth in claim 8.

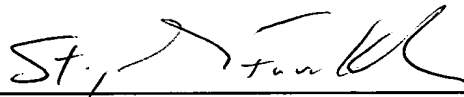
As earlier discussed, the airbags 15, 22 and 35 of Kaname et al. that are for being deployed along a vehicle windshield, all are deployed from an area of the hood that is much closer to the front of the hood than the rear thereof in direct contrast to the airbag recited in claim 8 that deploys from the rear portion of the hood that is closer to the rear of the hood

Application No. 10/064,973
Amendment dated March 10, 2004
Reply to Office Action of December 10, 2003

than the front thereof. Kaname et al. also fail to disclose or suggest the airbag being deployed from the hood rear portion toward the recited generally adjacent windshield, as instead the airbags of Kaname et al. need to traverse a relatively large extent of the hood including the corresponding rear portion thereof before reaching the windshield. Thus, it cannot be said that the airbags of Kaname et al. are deployed from the hood rear portion toward a windshield that is generally adjacent thereto as required by claim 8. The forward or front deployment location of the Kaname et al. airbags also fails to minimize wind and air pressure influences in securely deploying the airbags along the vehicle windshield, as called for in claim 8. For all these reasons, it is believed claim 8, and claims 9 and 10 which depend therefrom, are allowable over Kaname et al.

Based on the foregoing, reconsideration and allowance of claims 1-7, and consideration and allowance of added claims 8-10, are respectfully requested.

Respectfully submitted,

By: 
Stephen S. Favakeh
Registration No. 36,798

Date: March 10, 2004

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312/577-7000
Facsimile: 312/577-7007